

ter 13, as amended by the Acts of the Forty-third Legislature, 1933, of the State of Texas, Chapter 136, by further defining what road districts shall be eligible to the benefits provided for in said article, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

#### FIFTY-FIFTH DAY.

Senate Chamber,  
Austin, Texas,  
April 29, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.	Small.
Hopkins.	

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Isbell.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Senators Excused.

Senator Hopkins was excused for the day on account of important business on motion of Senator Rawlings.

Senator Small was excused on account of important business on motion of Senator Moore.

#### H. C. R. No. 99.

The Chair laid before the Senate on its second reading the following resolution:

H. C. R. No. 99, recalling H. B. No. 257 from the Governor's office for further consideration.

Senator Hornsby moved that the Senate Rule requiring resolutions to be referred to a committee be suspended, and that H. C. R. No. 99 be taken up and considered at this time. The motion prevailed.

Senator Van Zandt asked unanimous consent that the resolution be amended so as to allow the Lieutenant Governor and Speaker of the House to erase their signatures.

Unanimous consent was granted. H. C. R. No. 99 was adopted by viva voce vote.

#### S. C. R. No. 44.

Senator Poage sent up the following resolutions:

Whereas, In the summer of 1932, Mrs. Rozella Graves, a feme sole, and Mrs. Alice Graves Tirey and husband, Frank B. Tirey, did grant to the State of Texas, through the State Highway Department of Texas, an easement through 155 acres of land situated in McLennan County, Texas, in the Thos. D. LaVega Survey, for the construction of State Highway No. 6; and

Whereas, At the time of the granting of said easement by the said Rozella Graves, Alice Graves Tirey and Frank B. Tirey to said State Highway Department, it was definitely understood and agreed that the granting of said easement was based on the condition that the said State Highway Department would construct its road across and through said land in such manner as not to cause the waters of Tehuacana Creek or flood waters of said creek to concentrate and to flow over or change the course of such waters in such way as to injure said farm; and

Whereas, Said Highway Department did build, construct and supervise the building and construction of said new Highway No. 6 through said property which caused the waters that had heretofore in its nat-

ural course spread out and run over other lands before it reached said 155 acres of land to flow over about 90 acres of tillable land on said farm; that on or about April 5, 1933, there was an overflow on said creek, same being the first overflow and the last one up to date since said road was constructed, and that on account of the negligent construction of barrow pits and the failure to leave sufficient openings in said roadbeds on the north side of Tehuacana Creek and in changing the channel of said creek, said flood waters were collected and concentrated where said road crosses the creek and caused to overflow the land of the said Mrs. Rozella Graves, Mrs. Alice Graves Tirey and Frank B. Tirey in such a manner as to wash off the soil of about 90 acres of said farm and to damage said farm in the sum of \$5,000.00; and

Whereas, The said Rozella Graves, Alice Graves Tirey and Frank B. Tirey have never been compensated for damages done to said property as above set out in the sum of \$5,000.00, nor any other sum. Now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the said Mrs. Rozella Graves, Mrs. Alice Graves Tirey and Frank B. Tirey, be and they are hereby granted permission to bring suit against the State of Texas in a court of competent jurisdiction in McLennan County, Texas, in order to determine what compensation, if any, they are entitled to receive by reason of such damages, and in case such suit be filed that service of citation or any other necessary process that may be had upon the State Highway Commission, and the Attorney General of the State of Texas, as made and provided for in civil suits.

POAGE.

Read and referred to the Committee on State Affairs.

#### S. C. R. No. 45.

Whereas, It is alleged that on or about October 15th, 1928, W. C. Davis, while in the employment of the State Highway Department of Texas, sustained and suffered serious and permanent bodily injury while in line of duty, working as a common laborer in a gravel pit for said State Highway Department near the City of Waco in McLennan County, Texas. Said injury is alleged to have

been received and sustained by said Davis as a result of being caught in a cave-in of dirt while he was on duty as an employee of said State Highway Department; and

Whereas, It is alleged that as a result of said accident the said W. C. Davis suffered and sustained a fractured hip bone, which has left him permanently crippled and has greatly reduced his capacity to make a livelihood for himself and family. He is alleged to be permanently barred from doing hard manual labor by reason of such accident. His ability to earn money as a laborer has been materially reduced; and

Whereas, It is alleged that the said W. C. Davis has never been compensated by the State of Texas for the damage resulting from said injury. Now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the said W. C. Davis, his heirs, executors and administrators, be, and they are hereby granted permission to bring suit against the State of Texas and against the Highway Department of the State of Texas, in any court of competent jurisdiction in Travis County, Texas, in order to ascertain, fix and award the amount of money, if any, the said W. C. Davis, his heirs, executors and administrators are entitled to receive from the State of Texas and the Highway Department of the State of Texas as compensation on account of such injury and resulting damages, and that in case such suit be filed, service of citation, or other necessary process shall be had upon the Chairman of the State Highway Commission of Texas, and that the same have the same force and effect as made and provided in civil cases, and that either one of the parties to said suit shall have the right to appeal.

POAGE.

Read.

Senator Poage moved that the Senate rule requiring resolutions to be referred to a committee be suspended, and that S. C. R. No. 45 be taken up and considered at this time.

The motion prevailed.

S. C. R. No. 45 was adopted by viva voce vote.

#### S. C. R. No. 46.

Senator Westerfeld sent up the following resolution:

Be It Resolved, by the Senate of Texas, the House of Representatives concurring, That Honorable W. F. Robertson, Judge of the 126th Judicial District Court of Texas, be, and he is hereby granted permission to be absent from the State of Texas at such intervals, and for such time as he may see fit and proper during the months of July and August, in the years 1935 and 1936.

Read.

#### WESTERFELD.

Senator Westerfeld moved that the Senate rule requiring resolutions to be referred to a Committee be suspended, and that S. C. R. No. 46 be taken up and considered at this time. The motion prevailed.

S. C. R. No. 46 was adopted by viva voce vote.

#### Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

#### Executive Office.

Austin, Texas, April 29, 1935.  
To the Senate of the 44th Legislature:

I respectfully ask the advice, consent and confirmation of the Senate to the following appointments:

To be members of the Board of Directors of the Sabine-Neches Conservation District:

#### To Serve Six-Year Terms:

R. C. Downs, San Augustine County.

P. K. Birdwell, Smith County.

G. M. Sells, Orange County.

T. J. Ramey, Hopkins County.

W. I. Davis, Shelby County.

A. J. Deason, Rusk County.

C. K. De Busk, Cherokee County.

Paul Sanderson, Trinity County.

D. H. Porter, Bowie County.

Roscoe L. Perry, Angelina County.

W. C. Richards, Henderson County.

Guy Blount, Nacogdoches County.

#### To Serve Four-Year Terms:

R. Hughes, Van Zandt County.

Knox Bass, Camp County.

Charles Woolridge, Anderson County.

Claude Brown, Houston County.

R. M. Kelley, Gregg County.

O. L. Steger, Rockwall County.

Ernest Haney, Hunt County.

W. W. Baird, Kaufman County.

Hugh Carney, Cass County.

E. C. Clabaugh, Jr., Panola County.

#### To Serve Two-Year Terms:

E. A. Lindsey, Newton County.

H. D. Puckett, Wood County.

John Alford, Rains County.

Mark Sims, Collin County.

T. D. Rowell, Sr., Marion County.

F. B. Braswell, Jasper County.

Hal Winsborough, Harrison County.

Thurman T. Taylor, Polk County.

Henry Temple, Sabine County.

L. M. Coe, Upshur County.

To be members of the State Board of Veterinary Medical Examiners:

Paul P. Boriskie, Port Arthur, Jefferson County.

A. C. Burns, Cleburne, Johnson County.

L. J. Lauraine, Gonzales, Gonzales County.

F. A. Murray, Austin, Travis County.

Archie Stalling, Houston, Harris County.

P. P. Starr, Gainesville, Cooke County.

O. E. Wolfe, Big Spring, Howard County.

To be Pilot Commissioners for Sabine Pass, River and Tributaries:

Walter Glass, Port Arthur, Jefferson County.

A. E. Edwards, Port Arthur, Jefferson County.

Ira Jones, Beaumont, Jefferson County.

W. C. Kelley, Beaumont, Jefferson County.

George Colburn, Orange County.

Respectfully submitted,

JAMES V. ALLRED,

Governor of Texas.

Read and referred to the Committee on Governor's Nominations.

#### S. J. R. No. 19.

The Chair laid before the Senate on its second reading the following resolution:

S. J. R. No. 19, A joint resolution "Proposing amendment to Section 2

of Article 5 of the Constitution of the State of Texas, so as to provide that the Supreme Court shall consist of a Chief Justice and eight Associate Justices with power to call in not more than six Court of Civil Appeals Judges or District court judges to assist in the work of the Supreme Court if the docket of said Court should at any time become congested; to provide the means of electing said Judges to said Supreme Court, a quorum therein, the number of Judges sitting at any one time and their terms of office; etc., (With committee substitute.)

ONEAL.

Senator Oneal sent up the following amendments:

Amend Section 1 of C. S. S. J. R. No. 19, by striking out of the first line of Section one the word "to" and inserting in lieu thereof the word "of."

ONEAL.

Read and adopted.

Amend C. S., S. J. R. No. 19, by striking out the word "Section" after the word "that" and before the figure "5" in line one of Section 2 and inserting in lieu thereof the word "Article."

ONEAL.

Read and adopted.

The committee substitute as amended was adopted.

The resolution was read second time and passed to engrossment by the following vote:

Yeas—26.

Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
DeBerry.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent.

Beck.

Absent—Excused.

Blackert.	Hopkins.
Fellbaum.	Small.

On motion of Senator Oneal the constitutional rule requiring joint resolutions to be read on three several days was suspended and S. J. R. No. 19 was put on its third reading and final passage by two-thirds vote.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Blackert.	Hopkins.
Fellbaum.	Small.

S. J. R. No. 23.

The Chair laid before the Senate on its second reading the following resolution:

S. J. R. No. 23, A joint resolution "Proposing an amendment to Article 5 of the Constitution of the State of Texas, by adding a new section to be known as Section 3-a, providing how interlocutory injunctions, sustaining or restraining enforcement, operation or execution of any Statute of this State or of the United States, based upon the ground of the unconstitutionality of such Statute, may be issued; and providing for appeal from order issuing or refusing to issue such interlocutory injunction; and providing that temporary restraining orders in such cases may be granted under the rules and regulations prescribed by the Supreme Court; and providing for appeal to the Supreme Court of the order granting or denying such interlocutory injunction."

ONEAL.

The resolution was read second time and passed to engrossment by the following vote:

## Yeas—25.

Beck.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

## Nays—1.

Burns.

## Absent.

DeBerry.

## Absent—Excused.

Blackert.	Hopkins.
Fellbaum.	Small.

On motion of Senator Oneal the constitutional rule requiring joint resolutions to be read on three several days was suspended and S. J. R. No. 23 was put on its third reading and final passage by two-thirds vote.

Senator Oneal received unanimous consent to insert in the blank left for the date as the general election in 1936, being the first Tuesday after the first Monday in November, and to amend the caption to conform.

S. J. R. No. 23 was read third time as amended and finally passed by the following vote:

## Yeas—25.

Beck.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

## Nays—1.

Burns.

## Absent.

DeBerry.

## Absent—Excused.

Blackert.	Hopkins.
Fellbaum.	Small.

## Messages from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, April 29, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

H. B. No. 87, A bill to be entitled "An Act making appropriation to pay to parties named, funds heretofore paid into the State Treasury under the provisions of Articles 3644 (3574) to 3660 (3591) of Revised Civil Statutes, authorizing State Treasurer to pay same, and declaring an emergency."

H. B. No. 181, A bill to be entitled "An Act making an appropriation to remove the remains of certain Texas patriots and providing for monuments for such patriots, and declaring an emergency."

H. B. No. 731, A bill to be entitled "An Act making the appropriation out of the General Revenue of the State of Texas for the State Board of Water Engineers to pay the salary of two (2) assistant engineers; for certain supplies, travel expenses, and auto maintenance, and declaring an emergency."

H. B. No. 972, A bill to be entitled "An Act authorizing the State Tax Board to use any unexpended portion of an appropriation of \$8,400 for traveling expenses for the fiscal year ending August 31, 1935, for the payment of court costs and expenses incident to defending the suit of Atlantic Pipe Line Company vs. Brown County, et al, No. 206 Equity, pending in the United States District Court for the Northern District of Texas, and providing for deposit with the clerk of the court for the future cost, and declaring an emergency."

H. B. No. 978, A bill to be entitled "An Act authorizing the creation and

incorporation of wind erosion conservation districts coextensive with the area of any county in this State; prescribing the methods for the creation of same, and designating the powers and duties of such districts; prescribing that the county judge and commissioners court shall constitute the governing body and that the county treasurer and county clerk shall be the treasurer and clerk of such districts; etc., and declaring an emergency."

H. C. R. No. 100, Permitting Hon. W. F. Robertson, Judge of the 126th Judicial Court of Texas to be absent from the State during the months of July and August in the years 1935 and 1936.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.  
Hall of the House of Representatives,  
Austin, Texas, April 29, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 49, A bill to be entitled "An Act amending Article 297 of the Penal Code providing for the compulsory attendance of children in the public schools, and declaring an emergency."

(With amendments.)

The House by a vote of 62 yeas and 55 nays laid on the table the following bill:

H. B. No. 895, A bill to be entitled "An Act to promote public morals, by abolishing certain causes of action, practices and proceedings, which are commonly used as means of extortion; abolishing civil causes of action for alienation of affections, criminal conversation, and seduction; abolishing causes of action for breach of contract to marry; fixing the operation, effect, status, and character of acts hereafter done within this State, and of contracts to marry which shall hereafter be made within this State, etc., and declaring an emergency."

The House has concurred in Senate amendments to H. C. R. No. 99 by a viva voce vote.

The House has concurred in Sen-

ate amendments to H. B. No. 405 by a vote of 128 yeas, 0 nays.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, April 29, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 479, A bill to be entitled "An Act to amend Chapter 212, Sections 3, 5, 8, of the General Laws of the Fortieth Legislature, Regular Session; providing for the reorganization of the Texas Prison Board; fixing their terms of office; providing for their regular meeting place; providing for special meetings and providing for a quorum of the Texas Prison Board; providing for the control of the Texas Prison System by the Texas Prison Board through the general manager selected by the Prison Board, and declaring an emergency."

H. B. No. 674, A bill to be entitled "An Act to amend Chapter 175, page 252, Acts of the Fortieth Legislature, 1927, so as to permit the adding of an additional section to permit the Highway Commission of Texas to acquire, construct, and maintain interstate bridges without the joinder of the highway commissions of the adjoining states, and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, April 29, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. J. R. No. 26, A joint resolution "Proposing an amendment to Article XVI of the Constitution of the State of Texas by adding a new section to be numbered Section 61, vesting all the power heretofore conferred upon the Governor by Section 11, Article IV of the Constitution relating to granting reprieves, commutations of punishments and pardons in all criminal cases in a board to be known and designated as the Board of Pardons

and Paroles, and providing that such board shall be composed of three (3) members who are citizens of the State of Texas, one of which members is to be appointed by the Governor, one by the Chief Justice of the Supreme Court, and one by the presiding Justice of the Court of Criminal Appeals; and providing the members of said board shall serve for a term of two (2) years and providing for the appointment of their successors, and the filling of vacancies in office and providing that the board shall be domiciled and hold its meetings at the main State Penitentiary located at Huntsville, Walker County, Texas, and providing for an election upon such proposed constitutional amendment and making an appropriation therefor."

(With amendments.)

Respectfully submitted.

LOUISE SNOW PHINNEY.

Chief Clerk, House of Representatives.

#### S. J. R. No. 25.

The Chair laid before the Senate on its second reading the following resolution:

S. J. R. No. 25, A joint resolution Proposing to repeal Article V of the Constitution of the State of Texas, the same being the Article creating the Judiciary Department of the State and to adopt and enact a new Article V in lieu thereof, reorganizing the Judiciary Department of the State of Texas.

SULAK,  
WESTERFELD.

Senator Sulak sent up the following amendment:

Amend by striking out "2/3" wherever same occurs and inserting in lieu thereof "majority."

SULAK.

Read and adopted.

S. J. R. No. 25 pending.

#### Senate Resolution No. 91.

Senator DeBerry received unanimous consent to suspend the regular order of business and sent up the following resolution:

Whereas, The Commander of the German Cruiser, now stationed at Houston, Texas, is within the State Capitol. Now, therefore, be it

Resolved that this distinguished officer be invited to address the Sen-

ate, and that his party be given the privileges of the floor.

DeBERRY.

The resolution was adopted unanimously.

Lieutenant Governor Walter F. Woodul appointed Senators DeBerry, Pace and Redditt to escort the distinguished visitor to the rostrum.

Lieutenant Governor Woodul presented Captain Junther Luetjens of the German training ship "Karlsruhe," to the Senate.

He addressed the Senate briefly.

#### Motion to Recess.

Senator Rawlings, at 11:55 o'clock a. m., moved that the Senate stand at recess until 2 o'clock p. m.

Motion to recess pending.

Senator Rawlings, by unanimous consent, yielded to Senator Poage.

#### Motion to Suspend Rule.

Senator Poage moved that the constitutional rule regarding the introduction of general bills be suspended and that he be permitted to introduce a bill.

The motion prevailed by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Hopkins.

#### Senate Bill No. 523.

By Senator Poage.

S. B. No. 523, A bill to be entitled "An Act to amend Article 2317 of the Revised Civil Statutes of Texas of 1925, as amended by Act of the Forty-third Legislature, approved

March 10, 1933, and as by Senate Bill No. 242 passed by the Forty-fourth Legislature relating to the administration of the private corporations in receivership and providing for the extension of time of such receiverships; and declaring an emergency."

Read and referred to the Committee on State Affairs.

#### Bills Referred.

H. B. No. 87, referred to the Committee on Finance.

H. B. No. 972, referred to the Committee on Finance.

H. B. No. 731, referred to the Committee on Finance.

H. B. No. 181, referred to the Committee on Finance.

H. B. No. 978, referred to the Committee on Mining, Irrigation and Drainage.

H. B. No. 479, referred to the Committee on Penitentiaries.

H. B. No. 674, referred to the Committee on Highways and Motor Traffic.

#### H. C. R. No. 100.

The Chair, Lieutenant Governor Walter F. Woodul, laid before the Senate H. C. R. No. 100.

H. C. R. No. 100, "Permitting Judge W. F. Robertson, Judge of the 126th Judicial District to be absent from the State at such times and intervals as he may see fit during months of July and August."

Senator Rawlings moved that the Senate rule requiring resolutions to be referred to a committee be suspended, and that H. C. R. No. 100 be taken up and considered at this time.

The motion prevailed.

H. C. R. No. 100 was adopted.

#### Senate Bill No. 501.

Senator Davis received unanimous consent to suspend the regular order of business and to take up S. B. No. 501.

The Chair laid before the Senate on its second reading the following bill:

By Senators Davis and Beck:

S. B. No. 501, A bill to be entitled "An Act authorizing the creation of The Texas National Guard Armory Board, defining its personnel, the

duties and functions of said board, making an appropriation, and declaring an emergency."

(With committee substitute.)

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee substitute was adopted.

The bill was read second time as substituted and passed to engrossment by viva voce vote.

On motion of Senator Davis the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 501 was put on its third reading and final passage by the following vote:

#### Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

#### Absent—Excused.

Fellbaum.	Small.
Hopkins.	

Read third time and finally passed by the following vote:

#### Yeas—27.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

#### Nays—1.

DeBerry.

#### Absent—Excused.

Fellbaum.	Small.
Hopkins.	



**Recess.**

The motion to recess prevailed at 12:10 o'clock p. m., by viva voce vote.

**After Recess.**

The Senate met at 2 o'clock p. m., pursuant to recess and was called to order by Lieutenant Governor Walter F. Woodul.

**S. J. R. No. 25.**

Pending business was S. J. R. No. 25.

**Laid on Table Subject to Call.**

On motion of Senator Sulak, S. J. R. No. 25 was laid on the table subject to call.

**Senate Resolution No. 92.**

Senator Rawlings sent up the following resolution:

Be it resolved by the Senate, That the President of the Senate appoint a committee of five to arrange and submit back to the Senate a calendar of non-contested bills. Be it further

Resolved That said committee shall have the authority to define and classify non-contested bills, and to make temporary rules to expedite their speedy consideration and passage.

**RAWLINGS.**

Read and adopted.

**Vote Recorded.**

Senator DeBerry asked to be recorded as voting "no" on the adoption of S. R. No. 92.

**Committee Appointed.**

The Chair appointed the following committee in conformity with S. R. No. 92: Senators Rawlings, DeBerry, Cotten, Regan and Holbrook.

**Senate Bill No. 149.**

Senator Redditt received unanimous consent to suspend the regular order of business and take up S. B. No. 149.

The Chair laid before the Senate on its second reading the following bill:

By Senator Redditt:

S. B. No. 149, A bill to be entitled "An Act making appropriations to

pay deficiency appropriations granted by the Governor during the fiscal years ending August 31, 1934, and August 31, 1935, respectively, and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 149 was put on its third reading and final passage by the following vote:

**Yeas—29.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

**Absent—Excused.**

Fellbaum.	Hopkins.
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Read third time and finally passed by the following vote:

**Yeas—27.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

**Nays—1.**

Collie.

**Absent.**

DeBerry.

**Absent—Excused.**

Fellbaum.	Small.
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**Senate Bill No. 494.**

Senator Redditt received unanimous consent to suspend the regular order of business and take up S. B. No. 494.

The Chair laid before the Senate on its second reading the following bill:

By Senator Redditt:

S. B. No. 494, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue of the State Treasury of the State of Texas for certain State Eleemosynary Institutions for additional support and maintenance of said institutions for the fiscal year ending August 31, 1935; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 494 was put on its third reading and final passage by the following vote:

**Yeas—28.**

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

**Absent—Excused.**

Fellbaum.	Small.
Hopkins.	

Read third time and finally passed by the following vote:

**Yeas—27.**

Beck.	Hill.
Blackert.	Holbrook.
Burns.	Hornsby.
Collie.	Isbell.
Cotten.	Martin.
Davis.	Moore.
Duggan.	Neal.

Oneal.	Shivers.
Pace.	Stone.
Poage.	Sulak.
Rawlings.	Van Zandt.
Redditt.	Westerfeld.
Regan.	Woodruff.
Sanderford.	

**Absent.**

DeBerry.

**Absent—Excused.**

Fellbaum.	Small.
Hopkins.	

**Senate Bill No. 41.**

Senator Rawlings moved that the Senate do concur in House amendments to S. B. No. 41.

The motion prevailed by the following vote:

**Yeas—27.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

**Absent.**

DeBerry.

**Absent—Excused.**

Fellbaum.	Small.
Hopkins.	

**Senate Bill No. 257.**

Senator Redditt received unanimous consent to suspend the regular order of business and take up S. B. No. 257.

The Chair laid before the Senate on its second reading the following bill:

By Senator Redditt:

S. B. No. 257, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue of the State of Texas to

supplement appropriations made by the Regular Session of the Forty-third Legislature for the maintenance and administration of the judiciary to pay expenses of district judges and district attorneys as per Article 6820, R. C. S., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 257 was put on its third reading and final passage by the following vote:

## Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

## Absent—Excused.

Fellbaum.	Small.
Hopkins.	

Read third time and finally passed by the following vote:

## Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

## Absent—Excused.

Fellbaum.	Small.
Hopkins.	

## Senate Bill No. 259.

Senator Redditt received unanimous consent to suspend the regular order of business and take up S. B. No. 259.

The Chair laid before the Senate on its second reading the following bill:

By Senator Redditt:

S. B. No. 259, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue of the State of Texas, to supplement appropriations made by the Regular Session of the Forty-third Legislature for the maintenance and administration of the judiciary, and for traveling expenses of the Judges of the Courts of Civil Appeals when on exchange of benches, to pay deficiency certificates already issued against such appropriations, and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 259 was put on its third reading and final passage by the following vote:

## Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

## Absent—Excused.

Fellbaum.	Small.
Hopkins.	

Read third time and finally passed by the following vote:

## Yeas—28.

Beck.	Burns.
Blackert.	Collie.

Cotten.	Pace.
Davis.	Poage.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hill.	Regan.
Holbrook.	Sanderford.
Hornsby.	Shivers.
Isbell.	Stone.
Martin.	Sulak.
Moore.	Van Zandt.
Neal.	Westerfeld.
Oneal.	Woodruff.

Absent—Excused.

Fellbaum.	Small.
Hopkins.	

**Senate Bill No. 179.**

Senator Redditt received unanimous consent to suspend the regular order of business and take up S. B. No. 179.

The Chair laid before the Senate on its second reading the following bill:

By Senator Redditt:

S. B. No. 179, A bill to be entitled "An Act making appropriations to pay all of the interest now due, or to become due on or before August 31, 1937, on bonds of the State of Texas, held by certain permanent funds of the State of Texas, authorizing the payment of certain warrants issued pursuant to this Act and of all warrants issued pursuant to Chapter 64, General and Special Laws of the Second Called Session of the Forty-third Legislature, at face value and out of their regular order, authorizing certain things to be done in connection with the refunding of bonds pursuant to Chapter 65, General and Special Laws of the Second Called Session of the Forty-third Legislature, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendments were adopted.

The bill was read second time as amended and passed to engrossment by viva voce vote.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 179 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.	Small.
Hopkins.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.	Small.
Hopkins.	

**Senate Bill No. 369.**

Senator Redditt received unanimous consent to suspend the regular order of business and take up S. B. No. 369.

The Chair laid before the Senate on its second reading the following bill:

By Senator Holbrook:

S. B. No. 369, A bill to be entitled "An Act making an appropriation to be paid out of the General Revenue Fund of the State of Texas the sum of six thousand one hundred forty-eight dollars and eighty cents (\$6,148.80) not otherwise appropriated, to cover taxes due by the State of Texas to the Sugar Land In-

dependent School District covering the years from 1918 to 1927, inclusive; and declaring an emergency."

(With committee substitute.)

The committee report recommending that the bill be printed was adopted by unanimous consent.

The committee substitute was adopted.

The bill was read second time as substituted, and passed to engrossment by viva voce vote.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 369 was put on its third reading and final passage by the following vote:

**Yeas—28.**

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

**Absent—Excused.**

Fellbaum.	Small.
Hopkins.	

Read third time and finally passed by the following vote:

**Yeas—28.**

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

**Absent—Excused.**

Fellbaum.	Small.
Hopkins.	

**S. J. R. No. 16.**

The Chair laid before the Senate in regular order S. J. R. No. 16.

S. J. R. No. 16, A joint resolution "Proposing an amendment to the Constitution of the State of Texas by adding to Article 16 another section, Section 61, providing for four-year term for all elective State, district, county and precinct officers, except where otherwise provided in the Constitution the term of office is fixed at more than four years; providing for the submission of same to the qualified voters of the State; providing for the necessary proclamation and making appropriation to defray the expenses of the proclamation, publication and election."

**HORNSBY.**

Senator Duggan sent up the following amendment:

Amend S. J. R. No. 16, Section 1, line 20, by adding between the words "years" and "except" the following:

"Except the office of State Senator which shall be for a term of six years, and"

**DUGGAN.**

Read and adopted.

**Vote Recorded.**

The following Senators asked to be recorded as voting "no" on adoption of the amendment by Senator Duggan to S. J. R. No. 16:

Westerfeld, Oneal, Collie, Poage, Moore, DeBerry and Isbell.

Senator Hornsby moved the engrossment of S. J. R. No. 16.

S. J. R. No. 16 as amended was read the second time and passed to engrossment by the following vote:

**Yeas—14.**

Burns.	Pace.
Cotten.	Rawlings.
Davis.	Regan.
Duggan.	Sanderford.
Hornsby.	Shivers.
Moore.	Stone.
Neal.	Sulak.

**Nays—9.**

Blackert.	Oneal.
Collie.	Poage.
DeBerry.	Redditt.
Isbell.	Westerfeld.
Martin.	

**Absent.**

Beck. Van Zandt.  
Hill. Woodruff.  
Holbrook.

**Absent—Excused.**

Fellbaum. Small.  
Hopkins.

**Senate Bill No. 72.**

Senator Burns called from the Journal the motion to print on minority report S. B. No. 72.

The motion prevailed by the following vote:

**Yeas—20.**

Beck. Neal.  
Blackert. Oneal.  
Burns. Pace.  
Collie. Poage.  
Cotten. Redditt.  
DeBerry. Regan.  
Holbrook. Shivers.  
Hornsby. Sulak.  
Isbell. Westerfeld.  
Martin. Stone.

**Nays—4.**

Davis. Woodruff.  
Moore. Rawlings.

**Absent.**

Duggan. Sanderford.  
Hill. Van Zandt.

**Absent—Excused.**

Fellbaum. Small.  
Hopkins.

**House Bill No. 77.**

Senator Davis received unanimous consent to suspend the regular order of business and to take up out of order a House bill.

**House Bill No. 77.**

The Chair laid before the Senate on its second reading the following bill:

By Mr. Jones of Runnels, Mr. Bradbury, and Mr. Fisher:

H. B. No. 77, A bill to be entitled "An Act creating a conservation and reclamation district to be known as the Upper Colorado River Authority, pursuant to and for the

purposes set forth in Section 59 of Article 16, of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate without power to mortgage or encumber any of its property, or to alienate any property necessary to its business, or to levy taxes or assessments or to create any indebtedness payable out of taxes or assessments, or to pledge the credit of the State, fixing boundaries thereof, conferring thereon all powers, rights, privileges and functions conferred by general law upon districts created pursuant to said Section 59, except as expressly limited; etc., and declaring an emergency."

(With committee amendments.)

The committee amendments were adopted.

Senator Poage sent up the following amendment:

Amend House Bill No. 77 by adding at the end of Section 2, page 5, between lines 10 and 11, Subsection "R" to read as follows:

"R" This district and/or the Brazos River Conservation and Reclamation District heretofore created by act of the Legislature of the State of Texas, Chapter 13, Special Laws, second called session of the Forty-first Legislature, shall have the authority and it is hereby authorized to issue its negotiable revenue bonds secured only by pledge of the sums granted and/or donated by the State of Texas and/or out of any other current revenues of the district in any such amount as may be authorized by the directors of such district, which sums shall be paid to the legal holders of said bond.

POAGE,  
STONE,  
SANDERFORD.

Read and adopted.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Davis the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 77 was put on its third reading and final passage by the following vote:

## Yeas—25.

Beck.	Neal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Moore.	

## Nays—3.

DeBerry.	Sulak.
Oneal.	

## Absent—Excused.

Fellbaum.	Small.
Hopkins.	

Senator Poage sent up the following amendment:

Amend H. B. No. 77, Section 17a, by adding after the words "and/or advancement" and before the words "has been received" the following:

"In the sum of at least \$2,000,000.00 and in event such sum is not available at such time Sub-section 'R' of Section 2 shall remain in full force and effect notwithstanding."

DAVIS,  
POAGE,  
STONE,  
SHIVERS.

Read and adopted by unanimous vote on third reading.

Senator Oneal sent up the following amendment:

Amend H. B. No. 77 by striking out Section No. 21 and renumbering following sections to conform.

ONEAL.

Read.

The amendment was lost by the following vote:

## Yeas—12.

Blackert.	Oneal.
Collie.	Poage.
DeBerry.	Rawlings.
Hill.	Sulak.
Isbell.	Westerfeld.
Martin.	Woodruff.

## Nays—12.

Burns.	Davis.
Cotten.	Duggan.

Hornsby.	Regan.
Moore.	Sanderford.
Pace.	Shivers.
Redditt.	Stone.

## Absent.

Beck.	Neal.
Holbrook.	Van Zandt.

## Absent—Excused.

Fellbaum.	Small.
Hopkins.	

The caption was amended to conform by unanimous consent.

Read third time as amended and finally passed by the following vote:

## Yeas—21.

Blackert.	Moore.
Burns.	Neal.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Westerfeld.
Martin.	

## Nays—5.

DeBerry.	Redditt.
Oneal.	Woodruff.
Pace.	

## Absent.

Beck.	Van Zandt.
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## Absent—Excused.

Fellbaum.	Small.
Hopkins.	

## Reason for Vote.

I vote "aye" for final passage of H. B. No. 77 with the following explanation: I am opposed to all tax exemption measures, having voted against engrossment of this bill, I feel however that since the necessary number of votes were secured to engross and finally pass the bill, that it should be made immediately effective.

BLACKERT.

## Reason for Vote.

I voted "yea" on H. B. No. 77 because it has sufficient votes to become a law without my vote, and

it is only to make it become effective immediately that I changed my vote to "yea."

SULAK.

**Senate Bill No. 18.**

The Chair laid before the Senate on its second reading the following bill which had been set as special order.

By Senators Oneal, Collie and Beck:

S. B. No. 18, A bill to be entitled "An Act amending Article 710 of the Code of Criminal Procedure of the State of Texas, and declaring an emergency."

Amend S. B. No. 18 by striking out of said bill all of line 16 after the word "State" and lines 17, 18, 19, 20, and 21.

MARTIN.

Read and pending.

Senator Collie received unanimous consent to lay S. B. No. 18 on the table subject to call.

**Senate Bill No. 244.**

Senator Collie sent up out of regular order S. B. No. 244.

The Chair laid before the Senate on its second reading the following bill which was set as special order.

By Senators Collie, Beck, and Poage.

S. B. No. 244, A bill to be entitled "An Act amending Article 710 of the Criminal Procedure of the State of Texas, and declaring an emergency."

Senator Collie sent up the following amendments:

Amend S. B. No. 244, Section 2, by striking out lines 25 and 26 and adding in lieu thereof the following:

"That Article 711 of the Code of Criminal Procedure of the State of Texas, and all laws in conflict herewith, be and the same are hereby repealed."

COLLIE.

Read and pending.

**Motion to Recess.**

Senator Rawlings at 4:35 o'clock p. m., moved that the Senate recess until 10 o'clock a. m., Tuesday.

The motion lost by viva voce vote.

**Point of "No Quorum."**

Senator Woodruff raised the point of "no quorum."

The roll call disclosed no quorum.

Senator Collie moved that a call of the Senate be ordered to secure and maintain a quorum.

The motion was seconded.

The motion prevailed by viva voce vote.

**Call of the Senate.**

The Chair requested the Secretary of the Senate to furnish the Sergeant-at-Arms with a list of the absentees and that they be brought in.

**Senators Excused.**

Senator Rawlings asked unanimous consent that Senators Hopkins and Small be excused from the call. Consent was granted.

**Senate Called to Order.**

The Chair called the Senate to order at 4:40 o'clock p. m., a quorum having been secured.

**Senate Bill No. 244.**

The pending amendment by Senator Collie to S. B. No. 244 was adopted by viva voce vote.

Amend the caption to S. B. No. 244 so that it will read as follows:

"An Act amending Article 710 of the Code of Criminal Procedure of the State of Texas, repealing Article 711 of the Code of Criminal Procedure, and all laws in conflict with this Act, and declaring an emergency."

COLLIE.

Read and adopted.

Senator Martin sent up the following amendment:

Amend S. B. No. 244 by striking out of line 19, after the word "State" and all to end of section.

MARTIN.

Read.

**Motion to Table.**

Senator Collie moved to table the amendment by Senator Martin.

The motion prevailed by the following vote:

Yeas—12.

Beck.  
Collie.

DeBerry.  
Duggan.



Hornsby.	Poage.
Isbell.	Redditt.
Neal.	Sanderford.
Oneal.	Westerfeld.

**Nays—12.**

Burns.	Moore.
Cotten.	Pace.
Davis.	Rawlings.
Hill.	Shivers.
Holbrook.	Sulak.
Martin.	Woodruff.

**Absent.**

Blackert.	Stone.
Regan.	Van Zandt.

**Absent—Excused.**

Fellbaum.	Small.
Hopkins.	

The Chair, Lieutenant Governor Walter F. Woodul, voted "yea" to break the tie.

Senator Rawlings sent up the following amendment.

Amend S. B. No. 244 by adding after the word "case" on line 16 of the printed bill the following:

"or considered by the jury."

**RAWLINGS.**

Read and pending.

**Message from the Governor.**

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Executive Office,

Austin, Texas, April 29, 1935.

To the Senate of the Forty-fourth Legislature.

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be Associate Justice of the Supreme Court for the unexpired term of Judge Wm. Pierson, deceased:

Richard Critz, of Williamson County.

Respectfully submitted,

**JAMES V. ALLRED,**

Governor of Texas.

Read and referred to the Committee on Governor's Nominations.

**S. J. R. No. 26.**

On motion of Senator Burns the Senate refused to concur in House

amendments to S. J. R. No. 26 and requested the appointment of a conference committee to adjust the differences between the two houses.

**Bills and Resolution Signed.**

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolution:

S. B. No. 227. S. B. No. 497.  
H. B. No. 405. H. C. R. No. 100.

**Senate Bill No. 244.**

The question recurred on the adoption of the pending amendment by Senator Rawlings to S. B. No. 244.

**Motion to Table.**

Senator Collie moved to table the amendment.

The motion lost by the following vote:

**Yeas—10.**

Beck.	Oneal.
Collie.	Poage.
DeBerry.	Sanderford.
Isbell.	Stone.
Neal.	Westerfeld.

**Nays—15.**

Burns.	Pace.
Cotten.	Rawlings.
Davis.	Redditt.
Hill.	Regan.
Holbrook.	Shivers.
Hornsby.	Sulak.
Martin.	Woodruff.
Moore.	

**Absent.**

Blackert.	Van Zandt.
Duggan.	

**Absent—Excused.**

Fellbaum.	Small.
Hopkins.	

**Motion to Adjourn.**

Senator Rawlings at 5:55 o'clock p. m., moved that the Senate adjourn until 10 o'clock a. m., Tuesday.

Senator Pace moved that the Senate recess until 8 o'clock p. m.

**Senate Bill No. 524.**

Senator Redditt sent up the following local bill:

By Senator Fellbaum:

S. B. No. 524, A bill to be entitled "An Act to provide for fees for constables whose precincts lie in counties having a population of more than 200,000 and less than 300,000 by the last preceding Federal census and whose precincts lie in whole or in part in an incorporated city or town having a population of more than 10,000 by the last preceding Federal census, such fees to be the same as those now allowed to sheriffs and like fees allowed such officers in all cases where the defendant is convicted or pleads guilty and declaring an emergency."

Read and referred to the Committee on State Affairs.

#### House Bill No. 408.

Senator Davis sent up the following conference committee report:

Committee Room,

Austin, Texas, April 24, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives,

Hon. K. M. Regan, President Pro Tem. of the Senate.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and the Senate on House Bill No. 408 beg leave to report that we have considered the same and recommend that it do pass in the form as attached hereto.

Respectfully submitted,

DAVIS,  
BURNS,  
PACE,  
RAWLINGS,

On the part of the Senate.

LEATH,  
BUTLER of Karnes,  
RUSSELL,  
JAMES,

On the part of the House.

#### A BILL

#### To Be Entitled

An Act to amend Article 2350, Title 44, Revised Civil Statutes of the State of Texas, 1925, as amended by the Acts of the Thirty-ninth Legislature, Regular Session, Chapter 135, Section 1; and as amended by Act of the Fortieth Legislature, page 435, Chapter 290, Section 1; and as amended by Act of the Fortieth Legislature, First Called Session, page 138,

Chapter 46, Section 1; and as amended by Act of the Forty-third Legislature, Regular Session, Chapter 216; and as amended by Act of the Forty-third Legislature, First Called Session, Chapter 83, page 220; and so as to provide the salaries of county commissioners in certain counties; providing that if any part of this Act be declared unconstitutional it shall not affect any remaining part; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 2350, Title 44, of the Revised Civil Statutes of the State of Texas, 1925, as amended by Acts of the Thirty-ninth Legislature, Regular Session, Chapter 135, Section 1; and as amended by Act of the Fortieth Legislature, page 435, Chapter 290, Section 1; and as amended by Act of the Fortieth Legislature, First Called Session, page 138, Chapter 46, Section 1; and as amended by Act of the Forty-third Legislature, Regular Session, Chapter 216; and as amended by Act of the Forty-third Legislature, First Called Session, Chapter 83, page 220; be and the same is hereby amended so as to hereafter read as follows:

Article 2350. In counties having the following assessed valuations, respectively, as shown by the total assessed valuations of all properties certified by the county assessor and approved by the commissioners' court, for county purposes, for the previous year, from time to time, the county commissioners of such counties shall each receive annual salaries not to exceed the amounts herein specified, said salaries to be paid in equal monthly installments, at least one-half, and not exceeding three-fourths, out of the road and bridge fund and the remainder out of the general fund of the county; said assessed valuations and salaries applicable thereto being as follows:

Assessed Valuations	Salaries to be paid each Commissioner
\$4,500,000 and less than \$6,500,000	not to exceed \$1,200.00
\$6,500,001 and less than \$8,500,000	not to exceed 1,350.00
\$8,500,001 and less than \$10,500,000	not to exceed 1,650.00
\$10,500,001 and less than	

\$14,500,000 not to exceed .....	1,800.00
\$14,500,001 and less than \$20,000,000 not to exceed .....	2,000.00
\$20,000,001 and less than \$30,000,000 not to exceed .....	2,400.00
\$30,000,001 and less than \$60,000,000 not to exceed .....	2,800.00
\$60,000,001 and less than \$80,000,000 not to exceed .....	3,200.00
\$80,000,001 and less than \$110,000,000 not to exceed .....	3,400.00
\$110,000,001 and less than \$150,000,000 not to exceed .....	3,600.00
\$150,000,001 and over .....	4,200.00

In counties having assessed valuations of less than \$4,500,000, each commissioner shall receive Five (\$5.00) Dollars per day for each day served as commissioner, and a like amount when acting as ex-officio road superintendent in his commissioner's precinct, provided in no event shall his total compensation exceed Nine Hundred (\$900.00) Dollars in any one year.

Sec. 2. The salary of each county commissioner and each county judge may be paid wholly out of the County General Fund or, at the option of the Commissioners Court, may be paid out of the County General Fund and out of the Road and Bridge Fund in the following proportions: County judge not to exceed seventy-five per cent (75%) of such salaries may be paid out of the Road and Bridge Fund, and the remainder out of the General Fund of the county, and each county commissioner's salary may, at the discretion of the commissioners court, all be paid out of the Road and Bridge Fund; provided this section shall not apply except in counties where the constitutional limit of twenty-five (25) cents on the One Hundred Dollars (\$100.00) is levied for general purposes.

Sec. 3. That all laws and parts of laws in conflict herewith are hereby expressly repealed.

Sec. 4. If any section, clause, sentence, or other part of this Act shall for any reason be declared unconstitutional that shall not affect in any way the constitutionality of the remaining provisions hereof.

Sec. 5. The importance of simplifying the laws now governing the salaries of the various commissioners of the several counties of the State creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is suspended and this Act shall take effect from and after its passage.

The pending motion to adjourn lost by the following vote:

Yeas—10.

Isbell.	Rawlings.
Martin.	Sanderford.
Moore.	Shivers.
Oneal.	Stone.
Poage.	Westerfeld.

Nays—16.

Beck.	Hornsby.
Burns.	Neal.
Collie.	Pace.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sulak.
Hill.	Van Zandt.
Holbrook.	Woodruff.

Absent.

Blackert.	Duggan.
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Absent—Excused.

Fellbaum.	Small.
Hopkins.	

Motion to Adjourn.

Senator Sanderford moved that the Senate adjourn until 9:30 o'clock a. m., Tuesday.

The motion lost by the following vote:

Yeas—13.

Beck.	Poage.
Collie.	Rawlings.
Hornsby.	Sanderford.
Isbell.	Shivers.
Martin.	Stone.
Moore.	Westerfeld.
Oneal.	

Nays—13.

Burns.	DeBerry.
Cotten.	Hill.
Davis.	Holbrook.

Neal.  
Pace.  
Redditt.  
Regan.

Sulak.  
Van Zandt.  
Woodruff.

Absent.

Blackert.

Duggan.

Absent—Excused.

Fellbaum.  
Hopkins.

Small.

The Chair voted "nay" to break the tie.

The motion to recess prevailed by viva voce vote.

#### After Recess.

The Senate met at 8:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

The regular order of business was suspended by unanimous consent and the following bills were taken up out of their regular order:

#### House Bill No. 319.

Senator Beck was recognized to take up H. B. No. 319.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 319, A bill to be entitled "An Act granting to Willis Fountain of New Boston, Bowie County, Texas, permission to bring suit against the State of Texas and the State Highway Department in the District Court of Bowie County, Texas, for damages sustained to his property by the construction of dams on each side of Highway No. 8, which runs between the towns of New Boston and Corley, in Bowie County, diverting the water on the farm of Willis Fountain, etc., and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 319 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.  
Blackert.  
Burns.

Collie.  
Cotten.  
Davis.

Duggan.  
Hill.  
Holbrook.  
Hornsby.  
Isbell.  
Martin.  
Moore.  
Neal.  
Oneal.  
Pace.  
Poage.

Rawlings.  
Redditt.  
Regan.  
Sanderford.  
Shivers.  
Stone.  
Sulak.  
Van Zandt.  
Westerfeld.  
Woodruff.

Absent—Excused.

DeBerry.  
Fellbaum.

Hopkins.  
Small.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.  
Blackert.  
Burns.  
Collie.  
Cotten.  
Davis.  
Duggan.  
Hill.  
Holbrook.  
Hornsby.  
Isbell.  
Martin.  
Neal.

Oneal.  
Pace.  
Poage.  
Rawlings.  
Redditt.  
Regan.  
Sanderford.  
Shivers.  
Stone.  
Sulak.  
Van Zandt.  
Westerfeld.  
Woodruff.

Absent—Excused.

DeBerry.  
Fellbaum.  
Hopkins.

Moore.  
Small.

#### House Bill No. 668.

Senator Blackert received unanimous consent to take up H. B. No. 668.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 668, A bill to be entitled "An Act governing the use of pasture or grazing land owned by two or more parties under one fence or enclosure, providing for the recovering of damages, punishment and penalties, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Blackert, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 668 was put on its third reading and final passage by the following vote:

**Yeas—26.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Small.
Hopkins.	

Read third time and finally passed by the following vote:

**Yeas—26.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Small.
Hopkins.	

**Senate Bill No. 328.**

Senator Burns received unanimous consent to take up S. B. No. 328.

The Chair laid before the Senate

on its second reading the following bill:

By Senator Burns:

S. B. No. 328, A bill to be entitled "An Act amending Section 19 of H. B. No. 122, Chapter 116, Acts of the Regular Session, Forty-third Legislature, 1933, and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Burns, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 328 was put on its third reading and final passage by the following vote:

**Yeas—26.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Small.
Hopkins.	

Read third time and finally passed by the following vote:

**Yeas—26.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

DeBerry.                Moore.  
Fellbaum.              Small.  
Hopkins.

**House Bill No. 340.**

Senator Collie received unanimous consent to take up H. B. No. 340.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Davisson of Eastland and Mr. Lotief:

H. B. No. 340, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by incorporated cities and towns in the State of Texas which levies are unenforceable because of failure of the governing bodies of such respective incorporated cities and towns to make such levy by ordinance, and which are unenforceable because of the failure of such governing bodies to appoint the statutory board of equalization, or where the city council, city commission or other governing body of such incorporated city or town have acted as a board of equalization in the fixing of the valuation of taxable property for ad valorem taxes within any such incorporated city or town; making this Act applicable only to counties having a population of thirty-four thousand, one hundred fifty-six (34,156) to thirty-four thousand, three hundred (34,300) according to the last preceding United States census; and declaring an emergency."

Amend H. B. No. 340, line 8, page 2, by inserting between the words "towns" and "in" by adding the following:

"having a population of less than twelve hundred (1200) inhabitants and situated"

**COLLIE.**

Read and adopted.

Amend the caption to H. B. No. 340, line 11, between the words "to" and "counties" by adding the following:

"incorporated cities and towns having a population of less than twelve hundred (1200) inhabitants and situated in"

**COLLIE.**

Read and adopted.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommend-

ing that the bill be not printed was adopted by unanimous consent.

The bill was read second time as amended and passed to third reading.

On motion of Senator Collie the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 340 was put on its third reading and final passage by the following vote:

**Yeas—26.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

DeBerry.                Moore.  
Fellbaum.              Small.  
Hopkins.

Read third time and finally passed by the following vote:

**Yeas—26.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

DeBerry.                Moore.  
Fellbaum.              Small.  
Hopkins.

**Senate Bill No. 510.**

Senator Cotten received unanimous consent to take up S. B. No. 510.

The Chair laid before the Senate on its second reading the following bill:

By Senator Cotten:

S. B. No. 510, A bill to be entitled "An Act providing for relief for the Independence Common School District of Henderson and Kaufman Counties, Texas, in order to aid said district in rebuilding its properties and equipping its school which was destroyed by fire on the fourth day of March, A. D., 1935; providing for work relief; making an appropriation to said District for said property; and declaring an emergency."

(With committee substitute.)

Senator Hornsby sent up the following amendments:

#### Amendment No. 1.

Amend the caption of the committee substitute of S. B. No. 510, so that it shall read as follows:

#### "A BILL To Be Entitled

An Act providing for relief for the Independent Common School Districts of Henderson and Kaufman Counties, and Algerita Common School District No. 28, in San Saba County, Texas, in order to aid said Districts in the rebuilding of their properties, and equipping their schools which were destroyed by fire on March 4th, A. D. 1935, and on April 20th, A. D. 1935, respectively; providing for work relief; making an appropriation to said Districts for said properties; and declaring an emergency."

HORNSBY.

Read and adopted.

#### Amendment No. 2.

Amend committee substitute for S. B. No. 510, by adding a new section to be designated as Section 1-a:

"Section 1-a. The sum of Thirteen Hundred (\$1,300.00) Dollars is hereby appropriated from the General Fund of the State not otherwise appropriated for the purpose of rebuilding the school house in Algerita Common School District No. 28, San Saba County, Texas, which was destroyed by fire on April 20, 1935."

HORNSBY.

Read and adopted.

The committee report recommending that the bill be printed was adopted by unanimous consent.

The committee substitute was adopted.

The bill as substituted was read second time and passed to engrossment.

On motion of Senator Cotten the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 510 was put on its third reading and final passage by the following vote:

#### Yeas—26.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

#### Absent—Excused.

DeBerry.	Small.
Fellbaum.	Moore.
Hopkins.	

Read third time and finally passed by the following vote:

#### Yeas—22.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Hornsby.	Stone.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

#### Nays—1.

Collie.

#### Present—Not Voting.

Holbrook.	Sulak.
Poage.	

#### Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Small.
Hopkins.	

## Senate Bill No. 508.

Senator DeBerry received unanimous consent to take up S. B. No. 508.

The Chair laid before the Senate on its second reading the following bill:

By Senator DeBerry:

S. B. No. 508, A bill to be entitled "An Act to amend Article 3810 of the Revised Civil Statutes relating to the sales of real estate under deeds of trust; requiring notice of such sales to be sent by registered mail to all persons having liens of record against the land to be foreclosed and providing that an affidavit made by the party sending a notice by mail shall be subject to registration and when recorded shall be prima facie evidence that the notice was sent, and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator DeBerry the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 508 was put on its third reading and final passage by the following vote:

## Yeas—27.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
	Woodruff.

## Absent—Excused.

Fellbaum.	Moore.
Hopkins.	Small.

Read third time and finally passed by the following vote:

## Yeas—27.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
	Woodruff.

## Absent—Excused.

Fellbaum.	Moore.
Hopkins.	Small.

## Senate Bill No. 493.

Senator Duggan received unanimous consent to take up S. B. No. 493.

The Chair laid before the Senate on its second reading the following bill:

By Senator Duggan:

S. B. No. 493, A bill to be entitled "An Act amending Article 6954, Chapter 6, Title 121 of the Revised Civil Statutes of Texas, 1925, as amended in Chapter 245 of the Acts of the Regular Session of the Fortieth Legislature of Texas, as amended in Chapter 5, of the Acts of the Regular Session of the Forty-first Legislature of Texas, and as further amended in Chapter 71 of the Acts of the First Called Session of the Forty-first Legislature of Texas, the latter being H. B. No. 120, passed by the First Called Session of the Forty-first Legislature, and further amended in Chapter 8, of the Acts of the Third Called Session of the Forty-first Legislature, S. B. No. 22, and further amended in Chapter 313 of the Acts of the Regular Session of the Forty-second Legislature, and as further amended by Chapter 9 of the Acts of the Third Called Session of the Forty-second Legislature, and as further amended by Chapter 48, of the Acts of the Regular Session of the Forty-third Legislature, with reference to the



mode of preventing horses and certain other animals from running at large in the counties named so as to include in said Article the County of Kent; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Duggan the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 493 was put on its third reading and final passage by the following vote:

**Yeas—26.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Small.
Hopkins.	

Read third time and finally passed by the following vote:

**Yeas—26.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Small.
Hopkins.	

**House Bill No. 778.**

Senator Hill received unanimous consent to take up H. B. No. 778 .

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 778, A bill to be entitled "An Act prohibiting the use of a steel trap, snare, or deadfall; the taking of the pelt of a fur-bearing animal; the offering for sale the pelt of a fur-bearing animal, or the possession of a fur-bearing animal, dead or alive, in Shelby County for a period of two years following the passage of this Act, etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Hill the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 778 was put on its third reading and final passage by the following vote:

**Yeas—26.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Hopkins.
Small.	

Read third time and finally passed by the following vote:

## Yeas—27.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
	Woodruff.

## Absent—Excused.

Fellbaum.	Moore.
Hopkins.	Small.

## Senate Bill No. 293.

Senator Hornsby received unanimous consent to take up S. B. No. 293.

The Chair laid before the Senate on its second reading the following bill:

By Senator Hornsby:

S. B. No. 293, A bill to be entitled "An Act making an appropriation of fifteen hundred (\$1500.00) dollars, or so much thereof as may be necessary, out of any money in the State Treasury not otherwise appropriated, to be used by the State Depository Board to pay rent for safety deposit boxes rented by the board from any bank located in the City of Austin for the purpose of depositing securities, where such obligations for rent have been incurred by the State Depository Board pursuant to Article 2530, Revised Statutes of 1925, as amended by the Acts of the Forty-third Legislature, Regular Session, or as amended by the Acts of the Forty-third Legislature, Second Called Session; and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was

suspended and S. B. No. 293 was put on its third reading and final passage by the following vote:

## Yeas—26.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

## Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Small.
Hopkins.	

Read third time and finally passed by the following vote:

## Yeas—26.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

## Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Small.
Hopkins.	

## House Bill No. 908.

Senator Isbell received unanimous consent to take up H. B. No. 908.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 908, A bill to be entitled "An Act to prohibit the use of a steel trap for taking fur-bearing animals in Cherokee County, with certain exceptions; providing a penalty; repealing all laws in conflict therewith, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Isbell the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 908 was put on its third reading and final passage by the following vote:

**Yeas—26.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Small.
Hopkins.	

Read third time and finally passed by the following vote:

**Yeas—26.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Small.
Hopkins.	

**House Bill No. 265.**

Senator Holbrook received unanimous consent to take up H. B. No. 265.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 265, A bill to be entitled "An Act amending Article 1583 of the Penal Code of Texas, 1925, relating to work and vacation of firemen and policemen in cities of more than 25,000 inhabitants and in cities of more than 30,000 inhabitants; providing penalties for violation of the provisions of this article, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 265 was put on its third reading and final passage by the following vote:

**Yeas—26.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Small.
Hopkins.	

Read third time and finally passed by the following vote:

**Yeas—26.**

Beck.	Burns.
Blackert.	Collie.

Cotten.	Poage.
Davis.	Rawlings.
Duggan.	Redditt.
Hill.	Regan.
Holbrook.	Sanderford.
Hornsby.	Shivers.
Isbell.	Stone.
Martin.	Sulak.
Neal.	Van Zandt.
Oneal.	Westerfeld.
Pace.	Woodruff.

Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Small.
Hopkins.	

**House Bill No. 593.**

Senator Martin received unanimous consent to take up H. B. No. 593.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 593, A bill to be entitled "An Act authorizing the county judge to employ a stenographer or clerk in any county of not less than forty-three thousand (43,000) and not more than forty-three thousand and one hundred (43,100) inhabitants, according to the last Federal census report; regulating the salary of said stenographer or clerk, providing for the payment of same, providing for his removal, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Martin, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 593 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Hill.
Blackert.	Holbrook.
Burns.	Isbell.
Collie.	Hornsby.
Cotten.	Martin.
Davis.	Neal.
Duggan.	Oneal.

Pace.	Shivers.
Poage.	Stone.
Rawlings.	Sulak.
Redditt.	Van Zandt.
Regan.	Westerfeld.
Sanderford.	Woodruff.

Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Small.
Hopkins.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Small.
Hopkins.	

**Senate Bill No. 285.**

Senator Neal received unanimous consent to take up S. B. No. 285.

The Chair laid before the Senate on its second reading the following bill:

By Senator Neal:

S. B. No. 285, A bill to be entitled "An Act declaring that it was not the intention of the Forty-third Legislature of Texas in enacting S. B. No. 546, passed at the Regular Session of the Forty-third Legislature, or in enacting Section 7 of S. B. No. 546, passed at the Regular Session of the Forty-third Legislature, to provide that there should never be more than \$466,000.00, par value, of bonds issued out of the \$950,000.00, par value, of bonds author-

ized by the vote taken in Cameron County Water Control and Improvement District No. 19 and validated in said Act; and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 285 was put on its third reading and final passage by the following vote:

**Yeas—26.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

Fellbaum.	Moore.
DeBerry.	Small.
Hopkins.	

Read third time and finally passed by the following vote:

**Yeas—26.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Small.
Hopkins.	

**Senate Bill No. 354.**

Senator Davis received unanimous consent to take up S. B. No. 354.

The Chair laid before the Senate on its second reading the following bill:

By Senator Davis:

S. B. No. 354, A bill to be entitled "An Act to amend the law relating to Water Improvement Districts by amending Section 21 of Chapter 87 of the General Laws enacted by the Thirty-fifth Legislature of the State of Texas at its Regular Session, in order to better and further define the general powers of such districts by giving to such districts the powers to adopt and promulgate reasonable police ordinances or regulations, defining the limitations thereof, and objects to be accomplished thereby; and declaring an emergency."

(With committee substitute.)

The committee report recommending that the bill be printed was adopted by unanimous consent.

The committee substitute was adopted.

Senator Davis moved to amend the caption to conform to the body of the bill.

The motion prevailed by viva voce vote.

The bill was read second time and passed to engrossment.

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 354 was put on its third reading and final passage by the following vote:

**Yeas—26.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

## Absent—Excused.

DeBerry. Moore.  
Fellbaum. Small.  
Hopkins.

Read third time and finally passed  
by the following vote:

## Yeas—26.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

## Absent—Excused.

DeBerry. Moore.  
Fellbaum. Small.  
Hopkins.

## Senate Bill No. 12.

Senator Oneal received unanimous  
consent to take up S. B. No. 12.

The Chair laid before the Senate  
on its second reading the following  
bill:

S. B. No. 12, A bill to be entitled  
"An Act creating a cause of legal  
action against a man for support  
of his wife or minor child; defining  
the same, giving remedies; providing  
a jurisdiction and procedure; de-  
claring the remedies here given to  
be cumulative of others; repealing  
all laws in conflict therewith, and  
declaring an emergency."

The committee report recommend-  
ing that the bill be printed was  
adopted by unanimous consent.

The bill was read second time and  
passed to engrossment.

On motion of Senator Oneal the  
constitutional rule requiring bills to  
be read on three several days was  
suspended and S. B. No. 12 was put  
on its third reading and final passage  
by the following vote:

## Yeas—26.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

## Absent—Excused.

DeBerry. Moore.  
Fellbaum. Small.  
Hopkins.

Read third time and finally passed  
by the following vote:

## Yeas—23.

Beck.	Poage.
Blackert.	Rawlings.
Burns.	Redditt.
Collie.	Regan.
Davis.	Sanderford.
Duggan.	Shivers.
Hill.	Stone.
Holbrook.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Neal.	Woodruff.
Oneal.	

## Nays—3.

Cotten. Pace.  
Martin.

## Absent—Excused.

DeBerry. Moore.  
Fellbaum. Small.  
Hopkins.

## House Bill No. 158.

Senator Pace received unanimous  
consent to take up H. B. No. 158.

The Chair laid before the Senate  
on its second reading the following  
bill:

By Mr. Tennyson.  
H. B. No. 158, A bill to be entitled  
"An Act to provide for attendance

of rural pupils or of other pupils in high schools at the expense of their home districts and of the State; for certification of eligibility of pupils and districts for tuition privileges in the high schools, etc., and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Pace the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 158 was put on its third reading and final passage by the following vote:

**Yeas—26.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Small.
Hopkins.	

Read third time and finally passed by the following vote:

**Yeas—26.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Small.
Hopkins.	

**House Bill No. 704.**

Senator Rawlings received unanimous consent to suspend the regular order and take up H. B. No. 704.

The Chair laid before the Senate on its second reading the following bill.

By Mr. Duval and Mr. Smith:

H. B. No. 704, A bill to be entitled "An Act authorizing any city having a population of more than one hundred and sixty thousand (160,000) inhabitants to own, operate, and maintain, construct, improve, and enlarge an airport and for such purpose to borrow money and issue warrants payable from taxation and further payable from the revenues of such airport; providing the form and contents of such warrants; limiting the amount of warrants which may be issued by any city to not more than one hundred and twenty-five thousand dollars (\$125,000) providing that no election shall be necessary to authorize such warrants, but that the city shall comply with the provisions of Chapter 163, Acts of the Forty-second Legislature, etc., and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time as amended and passed to third reading.

On motion of Senator Rawlings the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 704 was put on its third reading and final passage by the following vote:

**Yeas—26.**

Beck.	Holbrook.
Blackert.	Hornsby.
Burns.	Isbell.
Collie.	Martin.
Cotten.	Neal.
Davis.	Oneal.
Duggan.	Pace.
Hill.	Poage.

Rawlings.	Stone.
Redditt.	Sulak.
Regan.	Van Zandt.
Sanderford.	Westerfeld.
Shivers.	Woodruff.

Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Small.
Hopkins.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Small.
Hopkins.	

#### House Bill No. 973.

Senator Redditt received unanimous consent to take up H. B. No. 973.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Glass.

H. B. No. 973, A bill to be entitled "An Act amending Article 198, Title 8, Revised Civil Statutes of 1925, as heretofore amended, by taking Cherokee County from the Sixth Supreme Judicial District and placing said county within the Ninth Supreme Judicial District; etc., and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 973 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Small.
Hopkins.	

Read third time and finally passed by the following vote:

Yeas—25.

Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Nays—1.

Beck.

Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Small.
Hopkins.	



**Senate Bill No. 255.**

Senator Poage received unanimous consent to take up S. B. No. 255.

The Chair laid before the Senate on its second reading the following bill:

By Senator Poage.

S. B. No. 255, A bill to be entitled "An Act amending Article 2199 of the Revised Civil Statutes of this State so as to allow the jury to hear the Court Reporter read from his notes where there is any disagreement among the jury as to the statement of any witness, and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Poage the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 255 was put on its third reading and final passage by the following vote:

**Yeas—26.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Small.
Hopkins.	

Read third time and finally passed by the following vote:

**Yeas—26.**

Beck.	Collie.
Blackert.	Cotten.
Burns.	Davis.

Duggan.  
Hill.  
Holbrook.  
Hornsby.  
Isbell.  
Martin.  
Neal.  
Oneal.  
Pace.  
Poage.  
Rawlings.

Redditt.  
Regan.  
Sanderford.  
Shivers.  
Stone.  
Sulak.  
Van Zandt.  
Westerfeld.  
Woodruff.

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Small.
Hopkins.	

**House Bill No. 614.**

Senator Regan received unanimous consent to take up H. B. No. 614.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Bradford.

H. B. No. 614, A bill to be entitled "An Act to provide for the renewal and extension of oil and gas permit No. 11,752 on a portion of the Pecos River bed, providing for the placing of all income therefrom, and for all income from oil and gas development from river beds in Texas, in Permanent School Fund, and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Regan the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 614 was put on its third reading and final passage by the following vote:

**Yeas—26.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Small.
Hopkins.	

Read third time and finally passed by the following vote:

**Yeas—24.**

Beck.	Neal.
Blackert.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Duggan.	Shivers.
Hill.	Stope.
Holbrook.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.

**Nays—2.**

Onèal.	Poage.
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**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Small.
Hopkins.	

**Senate Bill No. 89.**

Senator Shivers received unanimous consent to take up S. B. No. 89.

The Chair laid before the Senate on its second reading the following bill:

By Senator Shivers.

S. B. No. 89, A bill to be entitled "An Act providing for the protection of the public health; defining certain terms used in the Act; authorizing the State Health Officer to define and fix the specifications for certain grades of milk and milk products as defined in the Act; authorizing the State Health Officer and his representatives to supervise and regulate the labeling of milk and milk products; enabling cities and counties to require all milk sold within their boundaries to be graded and labeled; forbidding the use of certain grade labels except under certain conditions and providing penalties and

remedies for violation of said provision; forbidding the use of grade labels or other designs or device misrepresenting the contents of any container of milk or milk products; providing remedies and penalties for the enforcement of this Act; provided that if any portion of the Act be held inoperative or invalid the remainder of the Act shall be unaffected thereby and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Shivers the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 89 was put on its third reading and final passage by the following vote:

**Yeas—26.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Small.
Hopkins.	

Read third time and finally passed by the following vote:

**Yeas—25.**

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Duggan.	Shivers.
Hill.	Stone.
Holbrook.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Neal.	

## Nays—1.

Oneal.

## Absent—Excused.

DeBerry.  
Fellbaum.  
Hopkins.Moore.  
Small.

## House Bill No. 874.

Senator Rawlings received unanimous consent to take up H. B. No. 874.

The Chair laid before the Senate on its second reading the following bill:

By Mr. James:

H. B. No. 874, A bill to be entitled "An Act to create a more efficient road law for Lee County, providing for the payment of a tax of \$2.50 by all persons in said county, subject to road duty under the General Laws, or the performance of certain manual labor on the roads, in the discharge of said road duty; etc., and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Rawlings the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 874 was put on its third reading and final passage by the following vote:

## Yeas—26.

Beck.  
Blackert.  
Burns.  
Collie.  
Cotten.  
Davis.  
Duggan.  
Hill.  
Holbrook.  
Hornsby.  
Isbell.  
Martin.  
Neal.Oneal.  
Pace.  
Poage.  
Rawlings.  
Redditt.  
Regan.  
Sanderford.  
Shivers.  
Stone.  
Sulak.  
Van Zandt.  
Westerfeld.  
Woodruff.

## Absent—Excused.

DeBerry.  
Fellbaum.  
Hopkins.Moore.  
Small.

Read third time and finally passed by the following vote:

## Yeas—26.

Beck.  
Blackert.  
Burns.  
Collie.  
Cotten.  
Davis.  
Duggan.  
Hill.  
Holbrook.  
Hornsby.  
Isbell.  
Martin.  
Neal.Oneal.  
Pace.  
Poage.  
Rawlings.  
Redditt.  
Regan.  
Sanderford.  
Shivers.  
Stone.  
Sulak.  
Van Zandt.  
Westerfeld.  
Woodruff.

## Absent—Excused.

DeBerry.  
Fellbaum.  
Hopkins.Moore.  
Small.

## Senate Bill No. 469.

Senator Sulak received unanimous consent to take up S. B. No. 469.

The Chair laid before the Senate on its second reading the following bill:

By Senator Sulak:

S. B. No. 469, A bill to be entitled "An Act providing for the relief of Ellinger Common School District No. 60 of Fayette County, Texas; to aid said school district to rebuild and reconstruct a public school building; appropriating Six Thousand (\$6,000.00) Dollars for rebuilding and reconstructing the public school building; prescribing the manner in which the funds hereby appropriated shall be paid; and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Sulak the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 469 was put on its third reading and final passage by the following vote:

## Yeas—24.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Neal.	Westerfeld.
Oneal.	Woodruff.

## Nays—2.

Blackert.	Holbrook.
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## Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Small.
Hopkins.	

Read third time and failed of final passage by the following vote:

## Yeas—12.

Beck.	Rawlings.
Burns.	Regan.
Davis.	Stone.
Martin.	Sulak.
Neal.	Westerfeld.
Poage.	Woodruff.

## Nays—15.

Blackert.	Isbell.
Collie.	Oneal.
Cotten.	Pace.
DeBerry.	Redditt.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Van Zandt.
Hornsby.	

## Absent—Excused.

Fellbaum.	Moore.
Hopkins.	Small.

## House Bill No. 510.

Senator Moore received unanimous consent to take up H. B. No. 510.

The Chair laid before the Senate on its second reading the following bill:

By Mr. McCalla:

H. B. No. 510, A bill to be entitled "An Act to amend Article 1656a, Title 34, Subdivision 2, Revised Civil Statutes of Texas, being H. B. No. 875, Chapter 98, page 217, General

and Special Laws enacted by the Forty-third Legislature at its Regular Session, 1933, providing that the county auditor in certain counties shall prescribe the system, forms, and reports to be used in connection with the receipt and disbursement of county revenues, funds, fees, and moneys received and disbursed by county and precinct officers, so as to include the district clerk and district attorney; providing for the repeal of all laws in conflict herewith; providing that if any part of this Act shall be declared unconstitutional it shall not affect the validity of the remainder, and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Moore the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 510 was put on its third reading and final passage by the following vote:

## Yeas—27.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

## Absent—Excused.

DeBerry.	Hopkins.
Fellbaum.	Small.

Read third time and finally passed by the following vote:

## Yeas—27.

Beck.	Hornsby.
Blackert.	Isbell.
Burns.	Martin.
Collie.	Moore.
Cotten.	Neal.
Davis.	Oneal.
Duggan.	Pace.
Hill.	Poage.
Holbrook.	Rawlings.

Redditt.	Sulak.
Regan.	Van Zandt.
Shivers.	Westerfeld.
Sanderford.	Woodruff.
Stone.	

Absent—Excused.

DeBerry.	Hopkins.
Fellbaum.	Small.

#### Senate Bill No. 469.

Senator Van Zandt moved to reconsider the vote by which S. B. No. 469 failed of final passage and spread on the Journal.

#### Motion to Table.

Senator Holbrook moved to table. The motion to table lost by the following vote:

Yeas—6.

Blackert.	Hill.
DeBerry.	Holbrook.
Duggan.	Isbell.

Nays—21.

Beck.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hornsby.	Stone.
Martin.	Sulak.
Moore.	Van Zandt.
Neal.	Westerfeld.
Oneal.	Woodruff.
Pace.	

Absent.

Shivers.

Absent—Excused.

Fellbaum.	Small.
Hopkins.	

#### House Bill No. 771.

Senator Van Zandt received unanimous consent to take up H. B. No. 771.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Adamson:

H. B. No. 771, A bill to be entitled "An Act providing for the taking of fish from the fresh waters of Grayson County, Texas, and making it unlawful to take such fish except by ordinary hook and line or by seine

or net, the mesh of which is less than one and one-half inch square; providing that seines and nets may be used only during August, only for propagation purposes under supervision of game warden, etc., and declaring an emergency."

Amend H. B. No. 771, Section 1, by adding after the words "Grayson County, Texas," the following:

"For a period of five years from the effective date hereof,"

And amend the caption to conform.

VAN ZANDT.

Read and adopted.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Van Zandt the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 771 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

DeBerry.	Hopkins.
Fellbaum.	Small.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Hornsby.
Blackert.	Isbell.
Burns.	Martin.
Collie.	Moore.
Cotten.	Neal.
Davis.	Oneal.
Duggan.	Pace.
Hill.	Poage.
Holbrook.	Rawlings.

Redditt. Sulak.  
Regan. Van Zandt.  
Sanderford. Westerfeld.  
Shivers. Woodruff.  
Stone.

Absent—Excused.

DeBerry. Hopkins.  
Fellbaum. Small.

#### Senate Bill No. 107.

Senator Westerfeld received unanimous consent to take up S. B. No. 107.

The Chair laid before the Senate on its second reading the following bill:

By Senator Westerfeld:

S. B. No. 107, A bill to be entitled "An Act making it unlawful after January first, nineteen hundred and thirty-six to operate on any public highway or street, a motor vehicle manufactured or assembled after said date, designed or used to carry passengers for hire, or as a public conveyance to transport school children or others unless such vehicle be equipped with safety glass; etc., and declaring an emergency."

Senator Westerfeld sent up the following amendment:

Amend S. B. No. 107 by striking out Section 3 thereof and substituting therefor the following section:

"Sec. 3. The term 'safety glass,' as used in this Act shall be construed as meaning glass so treated or combined with other materials as to reduce, in comparison with ordinary sheet glass or plate glass the likelihood of injury to persons by objects from external sources or by glass when the glass is cracked or broken."

WESTERFELD.

Read and adopted.

Senator Regan sent up the following amendment:

Amend S. B. No. 107 so as to provide that the front doors on all automobile passenger cars be hinged from the front.

REGAN.

Read and adopted.

Senator Rawlings sent up the following amendment:

Amend S. B. No. 107:

"This Act shall not apply to V8 Fords."

RAWLINGS.

Read.

#### Motion to Table.

Senator Westerfeld moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—13.

Beck.	Poage.
Blackert.	Redditt.
Burns.	Regan.
Duggan.	Sulak.
Martin.	Westerfeld.
Oneal.	Woodruff.
Pace.	

Nays—8.

Collie.	Holbrook.
Cotten.	Hornsby.
Davis.	Rawlings.
Hill.	Van Zandt.

Absent.

DeBerry.	Sanderford.
Isbell.	Shivers.
Moore.	Stone.
Neal.	

Absent—Excused.

Fellbaum.	Small.
Hopkins.	

The bill was read the second time, as amended, and failed of engrossment by the following vote:

Yeas—10.

Beck.	Neal.
Blackert.	Poage.
Burns.	Regan.
Davis.	Sulak.
Duggan.	Westerfeld.

Nays—11.

Collie.	Pace.
Cotten.	Rawlings.
Hill.	Redditt.
Holbrook.	Van Zandt.
Hornsby.	Woodruff.
Martin.	

Present—Not Voting.

Oneal.

Absent.

DeBerry.	Sanderford.
Isbell.	Shivers.
Moore.	Stone.

Absent—Excused.

Fellbaum.	Small.
Hopkins.	

**Senate Bill No. 404.**

Senator Woodruff received unanimous consent to take up S. B. No. 404.

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodruff:

S. B. No. 404, A bill to be entitled "An Act amending Article 1019 of the Code of Criminal Procedure of the State of Texas, as amended by the Acts of the Forty-second Legislature, Chapter 205, 1931, providing for fees of officers of this State in certain felony and misdemeanor cases, and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Woodruff, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 404 was put on its third reading and final passage by the following vote:

**Yeas—26.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

**Absent.**

DeBerry. Moore.

**Absent—Excused.**

Fellbaum. Small.  
Hopkins.

Read third time and finally passed by the following vote:

**Yeas—26.**

Beck.	Hill.
Blackert.	Holbrook.
Burns.	Hornsby.
Collie.	Isbell.
Cotten.	Martin.
Davis.	Neal.
Duggan.	Oneal.

Pace.  
Poage.  
Rawlings.  
Redditt.  
Regan.  
Sanderford.

Shivers.  
Stone.  
Sulak.  
Van Zandt.  
Westerfeld.  
Woodruff.

**Absent.**

DeBerry. Moore.

**Absent—Excused.**

Fellbaum. Small.  
Hopkins.

**Senate Bill No. 107.****Motion to Reconsider.**

Senator Pace moved to reconsider the vote by which S. B. No. 107 failed of engrossment and spread on the Journal.

**Executive Session.**

On motion of Senator Oneal the Senate went into Executive Session to consider Governor's nominations, at 10:10 o'clock p. m.

**After Executive Session.**

The Secretary of the Senate informed the Journal Clerk that the following action had been taken in Executive Session:

**Committee Room,**

Austin, Texas, April 29, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the following appointments, have had same under consideration, and I, as chairman of said committee, am instructed to report same back to the Senate with the recommendation that they be in all things confirmed.

To be Associate Justice of the Supreme Court for the unexpired term of Judge Wm. Pierson, deceased:

Richard Critz, of Williamson County.

To be members of the Board of Directors of the Sabine-Neches Conservation District:

**To serve Six-Year Terms:**

R. C. Downs, San Augustine County;

P. K. Birdwell, Smith County;

G. M. Sells, Orange County;  
 T. J. Ramey, Hopkins County;  
 W. I. Davis, Shelby County;  
 A. J. Deason, Rusk County;  
 C. K. De Busk, Cherokee County;  
 Paul Sanderson, Trinity County;  
 D. H. Porter, Bowie County;  
 Roscoe L. Perry, Angelina County;  
 W. C. Richards, Henderson  
 County;  
 Guy Blount, Nacogdoches County.

To Serve Four-Year Terms:  
 R. Hughes, Van Zandt County;  
 Knox Bass, Camp County;  
 Charles Wooldridge, Anderson  
 County;

Claude Brown, Houston County;  
 R. M. Kelley, Gregg County;  
 O. L. Steger, Rockwall County;  
 Ernest Haney, Hunt County;  
 W. W. Baird, Kaufman County;  
 Hugh Carney, Cass County;  
 E. C. Clabaugh, Jr., Panola  
 County.

To Serve Two-Year Terms:  
 E. A. Lindsey, Newton County;  
 H. V. Puckett, Wood County;  
 John Alford, Rains County;  
 Mark Sims, Collin County;  
 T. D. Rowell, Sr., Marion County;  
 F. B. Braswell, Jasper County;  
 Hal Winsborough, Harrison Coun-  
 ty;  
 Thurman T. Taylor, Polk County;  
 Henry Temple, Sabine County;  
 L. M. Coe, Upshur County.

To be members of the State Board  
 of Veterinary Medical Examiners:  
 Paul P. Boriskie, Port Arthur,  
 Jefferson County;  
 A. C. Burns, Cleburne, Johnson  
 County;  
 L. J. Lauraine, Gonzales, Gonzales  
 County;  
 F. A. Murray, Austin, Travis  
 County;  
 Archie Stalling, Houston, Harris  
 County;  
 P. P. Starr, Gainesville, Cooke  
 County;  
 O. E. Wolfe, Big Spring, Howard  
 County.

ONEAL, Chairman.

Adopted.

Motion to Adjourn.

Senator Poage, at 10:20 o'clock  
 p. m., moved that the Senate adjourn  
 until 10 o'clock a. m., Tuesday.

The motion lost by the following  
 vote:

Yeas—5.

Holbrook.	Rawlings.
Oneal.	Westerfeld.
Poage.	

Nays—16.

Beck.	Isbell.
Blackert.	Martin.
Burns.	Neal.
Collie.	Pace.
Cotten.	Regan.
Davis.	Sulak.
Duggan.	Van Zandt.
Hornsby.	Woodruff.

Absent.

DeBerry.	Sanderford.
Hill.	Shivers.
Redditt.	

Absent—Excused.

Fellbaum.	Small.
Hopkins.	Stone.
Moore.	

House Bill No. 502.

Senator Beck received unanimous  
 consent to take up H. B. No. 502.

The Chair laid before the Senate  
 on its second reading the following  
 bill:

By Mr. Padgett and Mr. McCon-  
 nell:

H. B. No. 502, A bill to be entitled  
 "An Act amending Section 3 of Sen-  
 ate Bill No. 247, Chapter 158, page  
 400, Acts of the Regular Session of  
 the Forty-third Legislature, 1933;  
 empowering the Rehabilitation Divi-  
 sion of the State Department of Edu-  
 cation to take census, make surveys,  
 and establish permanent records of  
 crippled children, and to cooperate  
 with the Department of Education in  
 providing equipment for and instruc-  
 tion of same; authorizing such divi-  
 sion to organize and supervise diag-  
 nostic clinics and to approve and se-  
 lect physicians, etc., and declaring  
 an emergency."

(With committee amendments.)

The committee report recommend-  
 ing that the bill be printed was  
 adopted by unanimous consent.

The committee amendments were  
 adopted.



The bill was read second time as amended and passed to third reading.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 502 was put on its third reading and final passage by the following vote:

## Yeas—23.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sulak.
Holbrook.	Van Zandt.
Hornsby.	Westerfeld.
Isbell.	Woodruff.
Martin.	

## Absent.

DeBerry.	Shivers.
Moore.	Stone.
Sanderford.	

## Absent—Excused.

Fellbaum.	Small.
Hopkins.	

Read third time and finally passed by the following vote:

## Yeas—23.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sulak.
Holbrook.	Van Zandt.
Hornsby.	Westerfeld.
Isbell.	Woodruff.
Martin.	

## Absent—Excused.

DeBerry.	Sanderford.
Fellbaum.	Shivers.
Hopkins.	Small.
Moore.	Stone.

## Motion to Adjourn.

Senator Martin, at 10:27 o'clock p. m. moved that the Senate adjourn until 10 o'clock a. m., Tuesday.

The motion lost by viva voce vote.

## House Bill No. 600.

Senator Blackert received unanimous consent to take up H. B. No. 600.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Cooper:

H. B. No. 600, A bill to be entitled "An Act prohibiting the setting of any steel trap, snare, or deadfall in Smith County for the purpose of taking any fur-bearing animals for a period of two years; repealing all laws, in so far as they conflict with this Act; providing a penalty for violation of this Act, and declaring an emergency."

Senator Beck asked unanimous consent to add "Bowie County" and amend the caption to conform.

Unanimous consent was granted.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time as amended and passed to third reading.

On motion of Senator Blackert the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 600 was put on its third reading and final passage by the following vote:

## Yeas—23.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sulak.
Holbrook.	Van Zandt.
Hornsby.	Westerfeld.
Isbell.	Woodruff.
Martin.	

## Absent—Excused.

DeBerry.	Sanderford.
Fellbaum.	Shivers.
Hopkins.	Small.
Moore.	Stone.

Read third time and finally passed by the following vote:

## Yeas—23.

Beck.	Burns.
Blackert.	Collie.

Cotten.	Pace.
Davis.	Poage.
Duggan.	Rawlings.
Hill.	Redditt.
Holbrook.	Regan.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Absent—Excused.

DeBerry.	Sanderford.
Fellbaum.	Shivers.
Hopkins.	Small.
Moore.	Stone.

**House Bill No. 834.**

Senator Burns received unanimous consent to take up H. B. No. 834.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Colson:

H. B. No. 834, A bill to be entitled "An Act to prohibit the use of a steel trap for taking fur-bearing animals or the setting of any steel trap in Montgomery County, with certain exceptions; providing a penalty; repealing all laws in conflict therewith, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Burns the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 834 was put on its third reading and final passage by the following vote:

Yeas—22.

Beck.	Martin.
Blackert.	Neal.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Regan.
Duggan.	Rawlings.
Hill.	Redditt.
Holbrook.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Woodruff.

Absent—Excused.

DeBerry.	Shivers.
Fellbaum.	Small.
Hopkins.	Stone.
Moore.	Westerfeld.
Sanderford.	

Read third time and finally passed by the following vote:

Yeas—23.

Beck.	Martin.
Blackert.	Neal.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
Duggan.	Redditt.
Hill.	Regan.
Holbrook.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Woodruff.

Absent.

DeBerry.	Shivers.
Moore.	Stone.
Sanderford.	

Absent—Excused.

Fellbaum.	Small.
Hopkins.	Westerfeld.

**House Bill No. 776.**

Senator Collie received unanimous consent to take up H. B. No. 776.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Bradbury.

H. B. No. 776, A bill to be entitled "An Act to make it unlawful to take, hunt, trap, shoot, or kill any deer for a period of three years in Taylor County, Texas; fixing penalties, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Collie the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 776 was put on its third reading and final passage by the following vote:

Yeas—23.

Beck.	Hornsby.
Blackert.	Isbell.
Burns.	Martin.
Collie.	Neal.
Cotten.	Oneal.
Davis.	Pace.
Duggan.	Poage.
Hill.	Rawlings.
Holbrook.	Redditt.

Regan.  
Sulak.  
Van Zandt.

Westerfeld.  
Woodruff.

Absent—Excused.

DeBerry.	Sanderford.
Fellbaum.	Shivers.
Hopkins.	Small.
Moore.	Stone.

Read third time and finally passed by the following vote:

Yeas—23.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sulak.
Holbrook.	Van Zandt.
Hornsby.	Westerfeld.
Isbell.	Woodruff.
Martin.	

Absent—Excused.

DeBerry.	Sanderford.
Fellbaum.	Shivers.
Hopkins.	Small.
Moore.	Stone.

#### Senate Bill No. 509.

Senator Cotten received unanimous consent to take up S. B. No. 509.

The Chair laid before the Senate on its second reading the following bill:

By Senator Cotten:

S. B. No. 509, A bill to be entitled "An Act to amend Article 8197b, Chapter 8, Title 128, of the Revised Civil Statutes of the State of Texas, as amended by Acts of the Forty-first Legislature, Fourth Called Session, page 71, chapter 34, relating to the issuance of refunding bonds by any district that may have availed itself of the provisions of Article 8195 and become a Conservation and Reclamation District, and repealing all laws in conflict therewith, and declaring an emergency."

On motion of Senator Cotten S. B. No. 509 was laid on the table subject to call.

#### Adjournment.

On motion of Senator Martin the Senate at 10:40 o'clock p. m., adjourned until 10 o'clock a. m., Tuesday.

#### APPENDIX.

##### Committee on Engrossed Bills.

Committee Room,

Austin, Texas, April 29, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 179 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 29, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 259 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 29, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 369 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 29, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 16 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 29, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 149 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 29, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 257 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 29, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 501 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,  
Austin, Texas, April 29, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 494 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,  
Austin, Texas, April 26, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 393 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,  
Austin, Texas, April 26, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 234 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,  
Austin, Texas, April 27, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 56 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,  
Austin, Texas, April 26, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 238 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,  
Austin, Texas, April 29, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 19 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,  
Austin, Texas, April 29, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 23 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

#### Committee on Enrolled Bills.

Committee Room,  
Austin, Texas, April 26, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 497 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,  
Austin, Texas, April 29, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 227 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,  
Austin, Texas, April 25, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 407 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, April 29, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred.

H. B. No. 200, A bill to be entitled "An Act to amend Article 211 of Title 5, of the Revised Criminal Statutes of 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Committee Room,  
Austin, Texas, April 29, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 85, A bill to be entitled "An Act to amend Article 1650 of the Revised Civil Statutes of Texas, of 1925, with respect to the authority of the County Auditor to appoint assistants; providing for oath and bond of assistants; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation it do pass as amended by Committee Amendment No. 1 and be printed.

PACE, Chairman.

#### Committee Amendment No. 1.

Amend House Bill No. 85, Section 1, Line 6, Page 3, of the printed bill as follows:

After the words "as occasion may require" by changing the period to a comma and adding the words "provided in counties having 330,000 inhabitants or more according to the last preceding or any future Federal census in like manner the judges of the District Courts may authorize the appointment of additional regular assistants when in their judgment a necessity exists therefor."

Amend House Bill 85, Section 2, page 3, by changing the period to a comma at the end of the section after the words "Regular Session" and adding the words "or Senate Bill 152, Chapter 15, Special Laws of the Regular Session, 1931."

Committee Room,

Austin, Texas, April 29, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 84, A bill to be entitled "An Act amending Article 7047, of the Revised Civil Statutes of Texas, of 1925, by repealing House Bill No. 102 as passed by the Forty-first Legislature, Second Called Session, 1929, and approved by the Governor of Texas, June 24, 1929; and repealing Senate Bill No. 127, 'Regulating and Providing for Supervision of Emigrant Agents,' passed by the Forty-first Legislature, Second Called Session, 1929, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation it do pass and be printed.

PACE, Chairman

Committee Room,

Austin, Texas, April 29, 1935.

Hon. Walter W. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 863, A bill to be entitled "An Act to validate all proceedings, orders and resolutions whereby any water improvement district or water control and improvement district, or conservation and reclamation district, now organized and existing under the Constitution and laws of this State (other than water improvement district now organized and existing under the Constitution and/or laws of this State which obtain their water supply under contract with the United States) whether pursuant to an election or without such election, has provided for refunding any part or all of its outstanding bonds or indebtedness theretofore authorized by an election held for that purpose as provided by law, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 29, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 44, "Granting permission to Mrs. Rozella Graves, et al., to sue the State of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 29, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game, Fish and Oysters, to whom was referred

H. B. No. 873,

Have had same under consideration, and beg leave to report back to the Senate that it do pass and be printed.

SHIVERS, Chairman.

Committee Room,  
Austin, Texas, April 29, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 80, A bill to be entitled "An Act amending Article 6078, Revised Civil Statutes of Texas, 1925, dealing with public parks by adding a new Section to be known as Article 6078-a providing for abandonment of county parks when site is found undesirable; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation it do pass and be printed.

PACE, Chairman.

Committee Room,  
Austin, Texas, April 29, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 704, A bill to be entitled "An Act authorizing any city having a population of more than one hundred and sixty thousand (160,000) inhabitants to own, operate and maintain, construct, improve and enlarge an airport and for such purpose to borrow money and issue warrants payable from taxation and further payable from the revenues of such airport; providing the form and contents of such warrants, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be not printed.

RAWLINGS, Chairman.

Committee Amendment No. 1.

Amend House Bill 704, page 4, by adding a new section immediately following Section 4, to be numbered Section 5, to read as follows:

"Tax Levy. Whenever any city shall issue warrants pursuant to this

Act, a tax sufficient to pay when due the principal and interest on such warrants shall be levied annually and assessed, collected and paid in like manner with other taxes of such city, provided, however, that if such warrants are payable from taxes and additionally secured by a pledge of the income, rents, revenues, tolls, and other receipts derived from the operation of the airport for which such warrants were issued, the tax to be levied and assessed by such city may be reduced by the amount of money on hand pledged to the payment of the principal and interest of such warrants."

Committee Amendment No. 2.

Amend House Bill 704 by correcting the Caption to conform to the body of the bill.

Committee Amendment No. 3.

Amend House Bill 704 by correcting the enumeration of sections immediately following Section 5 in consecutive order.

Committee Room,  
Austin, Texas, April 29, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 874, A bill to be entitled "An Act to create a more efficient Road Law for Lee County, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, April 29, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 907,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

STONE, Chairman.

Committee Room,  
Austin, Texas, April 29, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on State  
Affairs, to whom was referred  
H. B. No. 668,

Have had the same under con-  
sideration, and I am instructed to  
report it back to the Senate with the  
recommendation that it do pass.

PACE, Chairman.

Committee Room,  
Austin, Texas, April 29, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on State  
Affairs, to whom was referred

H. B. No. 715, A bill to be entitled  
"An Act to amend Chapter 207 of  
the Acts of the Forty-first Legisla-  
ture, otherwise known as Article  
3899b, (which authorizes the com-  
missioners courts to pay from county  
funds various expenses of certain of-  
ficers) by adding thereto a Section  
to be known as Section 3 of said  
Act, providing that in all counties  
having a population in excess of  
three hundred and fifty-five thousand  
(355,000) inhabitants, according to  
the preceding or any future Federal  
Census, the district attorney or crim-  
inal district attorney may be al-  
lowed by order of the commissioners  
court of his county such amount as  
said court may deem necessary to  
pay for, or aid in the proper admin-  
istration of the duties of such office,  
not to exceed twenty-five hundred  
dollars (\$2500) in any one calen-  
dar year, etc."

Have had the same under con-  
sideration and I am instructed to  
report it back to the Senate with the  
recommendation that it do pass, and  
be not printed.

PACE, Chairman.

Committee Room,  
Austin, Texas, April 29, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on State  
Affairs, to whom was referred

S. B. No. 523, A bill to be entitled  
"An Act to amend Article 2317 of  
the Revised Civil Statutes of Texas  
of 1925, as amended by Act of the  
Forty-third Legislature, approved  
March 10, 1933, and as by S. B. No.  
242 passed by the Forty-fourth Leg-  
islature relating to the administra-  
tion of the private corporations in

receivership and providing for the  
extension of time of such receiver-  
ships; and declaring an emergency."

Have had the same under con-  
sideration, and I am instructed to  
report it back to the Senate with the  
recommendation that it do pass, and  
be printed in the Journal.

PACE, Chairman.

By Poage.

S. B. No. 523.

#### A BILL

#### To Be Entitled

An Act to amend Article 2317 of  
the Revised Civil Statutes of  
Texas of 1925, as amended by Act  
of the Forty-third Legislature, ap-  
proved March 10, 1933, and as by  
S. B. No. 242 passed by the Forty-  
fourth Legislature relating to the  
administration of the private cor-  
porations in receivership and pro-  
viding for the extension of time  
of such receiverships; and declar-  
ing an emergency."

Be it enacted by the Legislature of  
the State of Texas:

Section 1. That Article 2317 of  
the Revised Civil Statutes of Texas  
of 1925, be, and the same is hereby  
amended so as to hereafter read as  
follows:

"No corporation shall be adminis-  
tered in any court for more than  
three years from the date of such  
appointment except as hereinafter  
provided; and within three years  
such court shall wind up the affairs  
of such corporation, unless prevented  
by litigation, or unless, at said time,  
the Receiver shall be conducting and  
operating the affairs of such corpo-  
ration as a going concern, in which  
event the court, upon application, by  
proper order entered upon the min-  
utes, after hearing held after due  
notice to all attorneys of record,  
may extend, from time to time, such  
receivership for such term and upon  
such conditions as in its judgment  
the best interests of all parties con-  
cerned may require; provided, that  
no continuance of a receivership  
shall be for more than three years  
additional to the original three  
years; and provided further, that  
corporations organized and existing  
under Section 68 of Articles 1302,  
Chapter One of Title 32, and under  
Title 112, of the Revised Civil Stat-  
utes of Texas, shall not be subject to  
the above provision limiting receiver-  
ships to three additional years, but  
as to such exempted corporations,

the time in which to close any such receivership shall be determined by the court, and it may extend the same, from time to time, for such additional period or periods of time as it may determine.

Sec. 2. The fact that there exists in this State many corporations which are now in receivership, and that under the financial conditions existing at the present time, it is all but impossible to close up said receiverships within the time now provided by law without endangering and dissipating the assets thereof, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, April 29, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 866, A bill to be entitled "An Act to amend Article 1302, Revised Civil Statutes of Texas, 1925, by adding a new Section to be known as 95-b, to provide for the creation of corporations for the purpose of establishing, maintaining, operating and engaging in the business of cleaning, pressing and dyeing clothing and other materials, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,  
Austin, Texas, April 29, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 522, A bill to be entitled "An Act to amend Chapter 138 of the Acts of the Regular Session of the Forty-third Legislature; extending the provisions of said Act so as to include Associations or Organizations, or Local Mutual Aid Associations, or State-wide Mutual Associations, and extending the provisions of said Act so as to include insurance consultants, requiring such to obtain a license, and providing for

annual fee and annual report for all agents licensed under the provisions of this Act, and providing for penalties; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments.

COLLIE, Chairman.

#### Committee Amendment No. 1.

Amend H. B. No. 522 by adding after the words "so designated by him" in line 3, Section 7, page 5 the following:

And all office employees and expenses necessary in the enforcement of this Act out of the funds created hereunder and such person or persons so appointed by the Commissioner are hereby authorized and empowered to administer the oath and to examine under oath any person deemed necessary in gathering information and evidence and to have the same reduced to writing if deemed necessary and all such expenses shall be paid out of said fund. If any residue for any years shall remain in said fund over and above the amount necessary to carry on the work and investigation and pay the expenses herein provided for, the same shall be carried over to the following year or years and used in the continuation of the enforcement of this Act and the insurance laws of this State and all such funds are hereby appropriated for such purpose. The funds collected under this provision shall be paid into the State Treasurer at least once each week and kept in a Special Fund and shall be paid out for salaries, traveling expenses, office expenses and other incidental expenses incurred by the Commissioner hereunder.

#### Committee Amendment No. 2.

Amend H. B. No. 522 on page 5 by adding at the end of Section 7, another section to be known as Section 7a, as follows:

"Any agent complying with the terms of this Act shall be licensed annually as of date March 31. It being the intent of this Act to have all licenses renewed March 31 of each year. The licenses of all agents licensed under the terms of this Act shall expire March 31 of each year.



**Committee Amendment No. 3.**

Amend caption to conform to bill.

Committee Room,

Austin, Texas, April 29, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 973, A bill to be entitled "An Act amending Article 198, Title 8, Revised Civil Statutes of Texas, of 1925, as heretofore amended, by taking Cherokee County from the Sixth Supreme Judicial District and placing said county within the Ninth Supreme Judicial District; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MARTIN, Chairman.

Committee Room,

Austin, Texas, April 16, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 340, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by incorporated cities and towns in the State of Texas which levies are unenforceable because of failure of the governing bodies of such respective incorporated cities and towns to make such levy by ordinance, and which are unenforceable because of the failure of such governing bodies to appoint the statutory Board of Equalization, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

**FIFTY-SIXTH DAY.**

Senate Chamber,

Austin, Texas,

April 30, 1935.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present.

Beck.  
Blackert.  
Burns.  
Collie.  
Cotten.  
Davis.  
DeBerry.  
Duggan.  
Hill.  
Holbrook.  
Hornsby.  
Isbell.  
Martin.  
Moore.  
Neal.

Oneal.  
Pace.  
Poage.  
Rawlings.  
Redditt.  
Regan.  
Sanderford.  
Shivers.  
Small.  
Stone.  
Sulak.  
Van Zandt.  
Westerfeld.  
Woodruff.

Absent—Excused.

Fellbaum.

Hopkins.

Prayer by the chaplain.

Further reading of the Journal was dispensed with on motion of Senator Sulak.

**Petitions and Memorials.**

(See Appendix.)

**Committee Reports.**

(See Appendix.)

**Minutes of Committee Meetings.**

(See Appendix.)

**Bills and Resolutions.****Senate Bill No. 244.**

Pending business was S. B. No. 244.

**S. C. R. No. 44.**

Senator Poage received unanimous consent to suspend the regular order of business and take up S. C. R. No. 44.

The Chair laid before the Senate on its second reading the following resolution:

By Senator Poage:

Permitting Mrs. Rozella Graves to sue the State.

S. C. R. No. 44 was adopted by viva voce vote.

**Senate Bill No. 488.**

Senator Moore asked unanimous consent to suspend the regular order and take up S. B. No. 488.

There was objection.

Senator Moore moved to suspend the regular order and take up S. B. No. 488.